

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Len D. Twelan et al.

Examiner: D. Malamud

Serial No.: 10/797,511

Group Art Unit: 3766

Filed: March 10, 2004

Docket No.: P20909.00

Title: TELEMETRY ANTENNA FOR AN IMPLANTABLE MEDICAL DEVICE

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**DECLARATION UNDER 37 CFR 1.131 ANTEDATING A REFERENCE**

I hereby declare the following:

- 1) I am currently and correctly named as an inventor in the pending patent application entitled "TELEMETRY ANTENNA FOR AN IMPLANTABLE MEDICAL DEVICE", Serial Number 10/797,511.
- 2) The invention disclosed within the above-referenced patent application was conceived of by me and the other named inventors prior to December 22, 2003.
- 3) A description and drawings of the invention is provided in a confidential presentation created prior to December 22, 2003, redacted portions of which were attached in a previous response.
- 4) On or before November 20, 2003 I conducted saline tests to measure the impedance of an antenna configuration included in the presently claimed patent application.
- 5) A saline test is conducted to simulate how an antenna will perform when implanted within a human body.
- 6) The saline test was conducted on a working prototype of an antenna configuration of the present invention that was constructed on or before November 20, 2003.

- 7) I recorded the data and results of the saline test conducted on the prototype antenna in a laboratory notebook, signed the entry, and dated the entry on November 20, 2003 a redacted copy of which is attached herewith. The redacted portion related to testing for other components not relevant to the present declaration.
- 8) The data illustrates untuned matching of a constructed prototype antenna in a saline solution and indicates the S11 of the antenna.
- 9) In my testing I referred to this antenna as a "zig zag wire antenna" and this refers to the subject matter of the above referenced patent application.
- 10) The recorded test data indicates than a working prototype was created and tested, thus a prototype was actually reduced to practice on or before November 20, 2003.
- 11) The invention was not publicly disclosed or offered for sale prior to the filing date of the present patent application.
- 12) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11/3/06

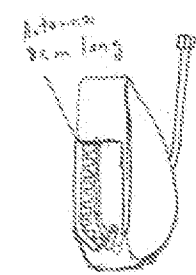
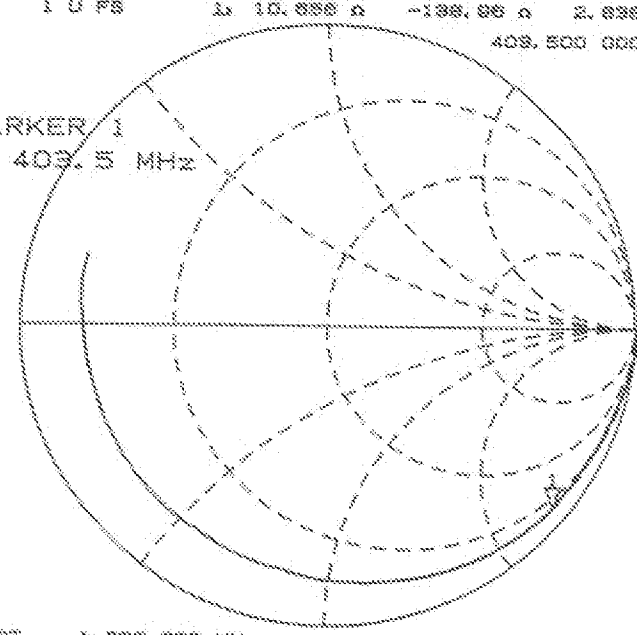
  
Garry L. Dublin

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CH1 S11 1 U FS  $Z_0$  10.888  $\Omega$  -188.88  $\Omega$  2.8385 pF  
 409.500 000 MHz

Cor Del MARKER 1  
 409.5 MHz

START 1.000 000 MHz STOP 601.000 000 MHz



messaged & Understood by me.

Date

Invented by

Date

Recorded by

*[Handwritten signature]*

11/20/02